

**AGENDA MEMO**

**CITY COUNCIL MEETING DATE: NOVEMBER 7, 2007**

**DEPARTMENT: PLANNING AND DEVELOPMENT**

**ITEM DESCRIPTION: SUP-24162 - APPLICANT: 7-ELEVEN, INC - OWNER: CAP II-FARM/DURANGO, LLC**

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**\*\* CONDITIONS \*\***

Staff recommends DENIAL. The Planning Commission (5-0 vote) recommends APPROVAL, subject to:

**Planning and Development**

1. Conformance to all minimum requirements under LVMC Title 19.04.010 for a Gaming Establishment (Restricted) use, including parking requirements.
2. This approval shall be void one year from the date of final approval, unless a business license has been issued to conduct the activity, if required, or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.
3. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

**\*\* STAFF REPORT \*\***

**PROJECT DESCRIPTION**

The project is a request for a Special Use Permit for a Gaming Establishment (Restricted) in conjunction with a convenience store and a Waiver of the Town Center Development Standards requiring a 330-foot separation between restricted gaming establishment and single family detached dwelling located on the northwest corner of Durango Drive and El Capitan Way.

The proposed use will result a zero foot distance separation from existing single-family residences as the project parcel shares a property line with residential properties to the north. Gaming use at this location is considered incompatible with the adjacent residential community. Staff recommendation is denial.

**BACKGROUND INFORMATION**

<b><i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc.</i></b>	
12/07/98	The City Council approved the rezoning of the Town Center plan area (Z-0076-98) including this parcel. The Planning Commission recommended approval.
11/07/01	The City Council approved the current version Town Center Development Standards (TCDS) Manual through Bill No. 2001-100. The TCDS details the uses permitted within Town Center and the development standards that will accomplish the vision of Town Center.
10/23/03	The Planning Commission abeyed, SDR #3191, the original site plan to its 12/04/03 meeting in order to include the full commercial development site in the application. This request was noticed to include the full site in the application.
01/07/04	The City Council approved Site Development Plan Review (SDR-3191) and a Waiver of Town Center Build-to-Line standards for a 29,120 square feet of retail space on five pad sites. Planning Commission and Staff recommended denial on 12/04/03.
01/22/04	The Planning Commission approved a Tentative Map (TMP-3272) for a two-lot commercial subdivision on 4.91 acres. Staff recommended approval.
12/03/04	Planning Staff administratively approved a Minor Amendment to an approved Site Development Plan Review (SDR-3191) to allow minor changes of building footprints and to allow 29,315 square feet of retail space on four pad sites.

01/13/05	The Planning Commission denied a Special Use Permit (SUP-5684) and a Site Development Plan Review (SDR-5681) for a proposed Restaurant with Drive-through. Staff had recommended approval.
01/27/05	The Planning Commission accepted the applicant's request to Withdraw Without Prejudice Special Use Permit (SUP-5740) for a proposed Liquor Establishment (Tavern). Staff had recommended denial.
03/21/05	Planning Staff administratively approved a minor amendment to an approved Site Development Plan Review (SDR-3191) to allow minor changes of building footprints and to allow 28,315 square feet of retail space on three pad sites.
03/15/06	City Council approved a request for a Site Development Plan Review (SDR-11023) for a Major Amendment of an approved Site Development Plan review (SDR-3191) to delete pad sites "B" and "C" and substitute with three pad sites (pads "B", "C", and "D") consisting of 25,400 square feet of retail space with a Waiver of Town Center Build-to-Line Standards on 3.21 acres at 7938 North El Capitan Way. Planning Commission and staff recommended approval
10/11/07	The Planning Commission voted 5-0 to recommend APPROVAL (PC Agenda Item #48/jm).
<b><i>Related Building Permits/Business Licenses</i></b>	
There are no building permits that pertain to this site.	
<b><i>Pre-Application Meeting</i></b>	
08/08/07	A pre-application meeting was held. Staff explained that the applicant's request for slot machines in an approved general retail store required a special use permit. In addition, the uses proximity to residential required a distance separation waiver, which requires a neighborhood meeting per Town Center Standards.
<b><i>Neighborhood Meeting</i></b>	
08/21/07	A neighborhood meeting was held at Mountain Crest Community Center, 4701 N. Durango at 6 PM. A staff member, a council liaison, a representative and three members of the public attended. These were the following comments: <ul style="list-style-type: none"> <li>• No gas pumps</li> <li>• Different type of design</li> </ul> The public was generally in favor.

<b>Field Check</b>	
09/07/07	A site visit was conducted and the project location is a partially developed lot located adjacent to existing commercial and residential development with access from El Capitan Way.

<b>Details of Application Request</b>	
<b>Site Area</b>	
Gross Acres	4.87

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Shopping Center	SC- TC (Service Commercial Town Center) Special Land Use Designation	T-C (Town Center)
North	Single-family Residential	R-CL (Single Family Residential Compact Lot)	PCD (Planned Community Development)
South	Vacant land	SC- TC (Service Commercial Town Center) Special Land Use Designation	T-C (Town Center)
East	Shopping Center	SC- TC (Service Commercial Town Center) Special Land Use Designation	T-C (Town Center)
West	Vacant land	SC- TC (Service Commercial Town Center) Special Land Use Designation	T-C (Town Center)

<b>Special Districts/Zones</b>	<b>Yes</b>	<b>No</b>	<b>Compliance</b>
<b>Special Purpose and Overlay Districts</b>			
T-C Town Center District	X		Y
<b>Trails</b>		X	N/A
<b>Rural Preservation Overlay District</b>		X	N/A
<b>Development Impact Notification Assessment</b>		X	N/A
<b>Project of Regional Significance</b>		X	N/A

## DEVELOPMENT STANDARDS

*Pursuant to Title 19.04 and 19.10, the following parking standards apply:*

Parking Requirement							
Use	Gross Floor Area or Number of Units	Required			Provided		Compliance
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
Shopping Center	40,020 SF	1:250	155	6	188	13	Y
Subtotal			161		201		Y
TOTAL			161		201		
Loading Spaces			3		3		Y

## ANALYSIS

- Zoning**

The proposed project is located within the SC-TC (Service Commercial - Town Center). The Service Commercial District allows low to medium intensity retail, office or other commercial uses that are intended to serve primarily the Centennial Hills area and do not include more intense general commercial characteristics. Examples include neighborhood shopping centers, theaters, bowling alleys and other places of public assembly and public/quasi-public uses. Hotels, motels and resort uses of a lower intensity may be allowed under certain conditions.

The SC-TC (Service Commercial - Town Center) Special Land Use Designation and is zoned as T-C (Town Center) consistent with the Town Center Development Standards Manual. The applicant is requesting a Gaming Establishment (Restricted) use in conjunction with a proposed convenience store (no fuel pumps), which requires a Special Use Permit.

- Use**

Gaming Establishment (Restricted) is an establishment which is used or intended to be used for gaming activities for which a restricted gaming license is required to pursuant to Title 6. For informational purposes, this description refers to an establishment whose gaming operations are limited to not more than 15 slot machines, incidental to the primary business at the establishment, and no other game or gaming device.

The gaming use will be located within a proposed convenience store. The Gaming Establishment (Restricted) use does not meet the base condition that requires a 330 foot separation from any single-family detached dwelling. The proposed use will result a zero-foot distance separation from existing single-family residences as the project parcel shares a property line with residential properties to the north.

- **Conditions**

- a. A Special Use Permit is required for any gaming establishment
- b. May not locate within 330 feet of any single family detached dwelling.

## **FINDINGS**

The following findings must be made for a Special Use Permit:

1. **“The proposed land use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan.”**

The proposed use can not be harmonious with this particular area as Town Center Development Standards sets forth distance requirements to protect neighborhoods. This proposal does not meet those distance standards; therefore staff recommends denial.

2. **“The subject site is physically suitable for the type and intensity of land use proposed.”**

The subject site is not physically suitable for the use proposed as it does not meet residential distance requirements per Town Center Development Standards.

3. **“Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed use.”**

Driveway access to the site will be provided along Durango Drive, a 120-foot wide Parkway Arterial designated by Town Center Street Classifications.

4. **“Approval of the Special Use Permit at the site in question will not be inconsistent with or compromise the public health, safety, and welfare or the overall objectives of the General Plan.”**

This site will be subject to inspections and business licensing requirements and will not endanger the public health or general welfare.

**5. The use meets all of the applicable conditions per Title 19.04.**

The applicant has requested a Waiver of the 330 foot distance separation from any single family detached dwelling.

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED** 15

**ASSEMBLY DISTRICT** 13

**SENATE DISTRICT** 9

**NOTICES MAILED** 380 by City Clerk

**APPROVALS** 0

**PROTESTS** 3